

UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF WISCONSIN

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WISCONSIN LABORERS HEALTH FUND,  
BUILDING & PUBLIC WORKS LABORERS  
VACATION FUND, and MILES MERTENS,

Plaintiffs,

vs.

Case No. 08-C-170

A. C. FETT AND SONS, INC., and  
MICHAEL FETT,

Defendants.

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AMENDED ORDER FOR JUDGMENT

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Motions for default judgment brought by the plaintiffs in the above-captioned action were submitted to the Court and subsequently filed with the Clerk.

The Court, having duly heard all issues and a decision having been duly rendered, orders as follows:

1. Defendant A. C. Fett and Sons, Inc., has failed to plead or otherwise defend as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

2. Defendant A. C. Fett and Sons, Inc., violated the Labor Management Relations Act of 1947, as amended, as well as the Employee Retirement Income Security Act of 1974, as amended, and the effective collective bargaining agreements by failing to pay fringe benefit contributions on behalf of its employees to the plaintiff Funds covering the period of July 1, 2006 to October 31, 2007.

3. On July 17, 2008, the Court entered judgment on behalf of the Plaintiffs Wisconsin Laborers Health Fund, Building & Public Works Laborers Vacation Fund, and Miles Mertens and against Defendant A. C. Fett and Sons, Inc., in the amount of \$1,887.31.

4. Plaintiffs have filed their Motion to Amend Judgment and Amended Affidavit of Damages and Attorney's Fees. Said Amended Affidavit sets forth \$2,845.74 in damages, attorney's fees and costs.

**IT IS HEREBY ORDERED:**

Pursuant to Rule 59(e) of the Fed. R. Civ. P., the Clerk of Court is directed to enter the amended judgment in favor of Plaintiffs Wisconsin Laborers Health Fund, Building & Public Works Laborers Vacation Fund, and Miles Mertens and against Defendant A. C. Fett and Sons, Inc., in the amount of \$2,845.74 together with interest at the rate allowed by law.

Dated this 29<sup>th</sup> day of July, 2008.

BY THE COURT

Barbara B. Crabb

U. S. District Court Judge

Judgment entered this 30<sup>th</sup> day of July, 2008.

Joel W. Turner  
Joel W. Turner, Acting Clerk